

NEWS RELEASE



***OFFICE OF THE UNITED STATES ATTORNEY
SOUTHERN DISTRICT OF CALIFORNIA
San Diego, California***

***United States Attorney
Carol C. Lam***

For Further Information, Contact: Assistant U. S. Attorney Melanie K. Pierson (619) 557-5685

For Immediate Release

NEWS RELEASE SUMMARY - September 2, 2004

United States Attorney Carol C. Lam announced today that a local circuit board manufacturer and two of its officers were indicted by a federal grand jury in San Diego for violations of the federal Clean Water Act. Moore Printed Circuits, Inc. of 6740 Nancy Ridge Drive in San Diego, and Ghanshyambhai J. Patel and Gandaji Chavda of Chicago, Illinois, were charged with one count of conspiracy to unlawfully discharge pollutants, in violation of Title 18, United States Code, Section 371, and thirteen counts of unlawful discharge of pollutants, in violation of Title 33, United States Code, Sections 1317(d) and 1319(c)(2)(A).

The indictment alleges that the defendants, knowing that the ion exchange unit in their wastewater treatment system (a key component for the removal of metals) was not operating properly, continued to discharge wastewater to the metropolitan sewer system. It further alleges that the defendants, knowing that they could batch-treat a maximum of approximately 4000 gallons of water per day to remove the metals, nevertheless discharged approximately 10,000 gallons of wastewater per day.

According to the indictment, the defendants instructed their employees to curtail production in areas that would discharge copper to the waste stream and to add fresh water not needed for production activities to the system when inspectors were present, in order to avoid detection of permit violations. The indictment also alleges that the defendants tampered and caused their employees to tamper with the wastewater treatment monitoring equipment set up by inspectors in order to avoid detection of permit violations.

The indictment charges violations of the National Pretreatment Standards for discharges to sewer systems, specifically the categorical standards for metal finishers. Categorical standards are specific numerical limits set by the Environmental Protection Agency for discharges by industrial categories which have been determined to be the most significant sources of pollution. Among the promulgated categorical standards are those covering metal finishers, which prohibit discharges of a daily maximum of copper in excess of 3.38 mg/l, and a monthly average of 2.07 mg/l.

National Pretreatment Standards also prohibit the discharge of industrial wastewater into a Publicly Owned Treatment Works ("POTW") in violation of limits set forth in an approved local pretreatment program. The approved pretreatment program of the City of San Diego has local limits which prohibit industrial users from discharging to the sewer system any waste streams having a pH of less than 5 or greater than 12.5. Moore Printed Circuits possessed an Industrial User Discharge Permit from the City of San Diego allowing the company to discharge wastewater generated at its facility into the City of San Diego's sewer system within certain prescribed limits, in accordance with the Federal Categorical Pretreatment Standards. Moore's Industrial User Discharge Permit limits the daily maximum of copper in its wastewater to 3.38 mg/l (and a monthly average of 2.07 mg/l) and limits the pH of the wastewater to levels greater than 5 and less than 12.5. The indictment alleges nine separate instances where the discharge of copper exceeded the daily maximum allowed by permit and regulation and four separate instances where the pH of the wastewater was alleged to violate the permit limits.

U.S. Attorney Carol C. Lam said, "Protection of our coastal waters is a matter of critical importance to the citizens of San Diego and to this office."

"Deliberately dumping pollution into the City's wastewater collection and treatment system is unconscionable," said Wayne Nastri, the EPA's regional administrator for the Pacific Southwest region. "We are pleased to support the City of San Diego in protecting the Point Loma plant, and the Pacific Ocean, from such practices. We will continue to be vigilant in ensuring everyone complies with water pollution requirements."

FBI Special Agent in Charge Daniel Dzwilewski commented, "Here, in San Diego, we enjoy a variety of natural recreational resources. The FBI is committed to aggressively investigate those individuals who purposely contaminate the community we all share."

DEFENDANTS

Moore Printed Circuits, Inc.
San Diego, California

Ghanshyambhai H. Patel
Chicago, Illinois

Gandaji Chavda
Chicago, Illinois

SUMMARY OF CHARGES

Count One

Conspiracy to Unlawfully Discharge Pollutants, in violation of Title 18, United States Code, Section 371

Maximum Penalty: 5 years in custody and/or \$250,000 fine

Counts 2-14

Unlawful Discharge of Pollutants, in violation of Title 33, United States Code, Sections 1317(d) and 1319(c)(2)(A)

Maximum Penalty: 3 years in custody and a \$50,000 fine per day of violation

Minimum Penalty: \$5,000 fine per day of violation

AGENCIES

U.S. Environmental Protection Agency, Office of Criminal Investigations; Federal Bureau of Investigation; City of San Diego Metropolitan Industrial Waste Program

An indictment is not evidence that the defendants committed the crimes charged. The defendants are presumed innocent until the Government meets its burden in court of proving guilt beyond a reasonable doubt.